

GAHC010134922023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3628/2023

RIYA BORAH
D/O- LATE RATNESWAR BORAH,
R/O- VILLAGE- HORUKATHANI,
P.O.- HAWAJAN,
P.S.- BIHPURIA,
DISTRICT- LAKHIMPUR, ASSAM.
PIN- 784161.

VERSUS

THE CHIEF SECRETARY CUM CHAIRMAN THE GOVT OF ASSAM AND 5
ORS
STATE LEVEL COMMITTEE, DISPUR,
GUWAHATI-6.

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM

HOME DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
GENERAL ADMINISTRATIVE DEPARTMENT
DISPUR-6.

4:THE DIRECTOR GENERAL OF POLICE
ULUBARI
GUWAHATI-07.

5:THE DEPUTY COMMISSIONER CUM CHAIRMAN

DISTRICT LEVEL COMMITTEE
DHEMAJI.

6:THE COMMANDANT 22ND ASSAM POLICE (IR) BATTALION
LIKABALI
DHEMAJI

Advocate for the Petitioner : MR A KHANIKAR

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

05.04.2024

Heard Shri A. Khanikar, learned counsel for the petitioner. Also heard Shri A. Chakraborty, learned Junior Government Advocate, Assam.

The claim in this petition is towards consideration for appointment on compassionate ground.

The facts projected is that the father of the petitioner – Ratneswar Borah, who was serving as a Constable of the 22nd Assam Police (IR) Battalion, Likabali, Dhemaji had died in harness on 23.03.2017. On such eventuality, the petitioner through her mother had made an application for appointment on compassionate ground on 11.09.2017. It is the case of the petitioner that the aforesaid application was duly considered by the District Level Committee, Dhemaji (DLC) and upon consideration, the case of the petitioner was recommended. The aforesaid consideration was made in a meeting dated 25.06.2019.

Subsequently, the case of the petitioner was considered by the State Level

Committee (SLC) in its meeting dated 10.02.2022. However, the candidature of the petitioner was rejected on the ground of late submission of the application. Shri Khanikar, the learned counsel for the petitioner has submitted that the rejection has been done in a mechanical manner and the ground cited is perverse.

By drawing the attention of this Court to the application and the endorsement made thereon, it is submitted that the application for appointment on compassionate ground was filed on 11.09.2017 which was also received by the competent authority. It is further submitted that the aforesaid aspects being duly considered by the DLC, the same would not have come for further consideration before the SLC.

Shri Khanikar, the learned counsel submits that the mere fact that after examination of all the aspects of the matter, the case of the petitioner was recommended by the DLC would show that the impugned reasons cited is wholly untenable.

Shri Chakraborty, the learned State Counsel fairly submits that the documents enclosed with the writ petition would suggest that the application of the petitioner was indeed filed within time.

After consideration of the aforesaid facts and circumstances and the submission advanced by the learned counsel for the parties, this Court is of the opinion that interest of justice would be served if a direction is given to the State Level Committee to re-consider the case of the petitioner in accordance with law.

The case of the petitioner accordingly stands remanded to the State Level Committee for re-consideration of her claim for appointment on compassionate

ground pursuant to the recommendation made by the DLC, Dhemaji in its meeting held on 25.06.2014.

It is needless to direct that such consideration has to be strictly in accordance with law and after verification of all the testimonials and facts.

The reconsideration, as directed above is to be made in the next sitting of the State Level Committee.

The outcome of the consideration is to be informed to the petitioner.

JUDGE

Comparing Assistant